THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6026 of 2004

Dated:01.11.2006

Between
Ganga Bhaskar Reddy

.....Petitioner

and

1. The Joint Collector, Anantapur
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6026_of_2004

ORDER:

It appears that the 1st respondent-Joint Collector, Anantapur addressed a letter dated 4.3.2004 to the 2nd respondent-Revenue Divisional Officer, Anantapur directing him to take disciplinary action against the petitioner for contravention of condition No.4 of Annexure to the APSPDS (Control) Order, 2001, since he had not followed the instructions of the Collector to supply 'Food For Work' rice only to labourers against the coupons and also for the contravention of condition Nos.4(i), 6, 7 and II of authorization and Clause 22 (ii) of the APSPDS (Control) Order, 2001.

The grievance of the petitioner is that while the proceedings initiated under Section 6-A of the Essential Commodities Act and the disciplinary

proceedings under APSPDS (Control) Order, 2001 are pending, directing the 2nd respondent to initiate criminal proceedings against the petitioner, is illegal and arbitrary.

I am of the opinion that during pendency of the disciplinary proceedings, against the petitioner, under the Control Order as well as under Section 6-A of the Essential Commodities Act, initiating any further criminal proceedings, against the petitioner is not desirable, in the interest of justice.

Learned Government Pleader vehemently submitted that the authorities are at liberty to proceed with the matter simultaneously under 6-A of the Essential Commodities Act and under the Control Order, and also initiate criminal proceedings.

This approach made by the respondents does not seem to be a proper and fair. It would definitely cause prejudice to the interest of the petitioner.

Therefore, the impugned order is liable to be set aside and is accordingly set aside to the extent of directing the 2nd respondent to initiate criminal

proceedings during pendency of those proceedings. However, the respondent-authorities are at liberty to consider initiation of criminal proceedings, if any, after conclusion of disciplinary proceedings as well as proceedings under Section 6-A of the Essential Commodities Act.

Writ petition is allowed to the extent indicated above. No costs.

_____

1-11-2006

rkk